

Regular Session, 2010

HOUSE BILL NO. 1198

BY REPRESENTATIVE KATZ

AN ACT

To amend and reenact R.S. 17:1518.1(J) and 1519.5(C), R.S. 23:1(A) and 17(A), R.S. 28:821(C) and 824(I), (J)(1)(b), (K), and (L), R.S. 36:258(F), 301(B), 308(B), and 471(B), R.S. 38:2261(C) and (D), R.S. 39:1554(D)(1)(d) and 1595.4(B), (C), and (D), R.S. 40:1300.14(B)(introductory paragraph) and (13), R.S. 46:51(2) and (10), 2116.1(1), (2), and (4), 2116.2(A), 2351(A)(introductory paragraph), 2353, 2632(2), 2633(C) and (E), 2634(A) and (B)(1), and 2635(B), R.S. 47:305.15(A) and 360(A), R.S. 48:307(B)(2) and (3), to enact R.S. 23:1(B)(6) and Chapter 15 of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:3001 through 3061, R.S. 36:259(K) and (N), and 309(E), and to repeal R.S. 36:474(F) and 478(C), (D), (E), (G), (I), and (J), Subparts B and C of Part III of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:331 through 373, Chapter 26 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2101 through 2106, and Chapter 50 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2651 through 2655, relative to the office of Louisiana Rehabilitation Services within the Department of Social Services; to provide for the transfer of such functions from the Department of Social Services to the Department of Health and Hospitals and the Louisiana Workforce Commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1518.1(J) and 1519.5(C) are hereby amended and reenacted to read as follows:

§1518.1. Huey P. Long Medical Center; merger with Louisiana State University Health Sciences Center at Shreveport

* * *

J. Notwithstanding any other law to the contrary, the health sciences center shall in all cases give preference to ~~blind persons~~ individuals who are blind, under the administration of the ~~Department of Social Services~~ Louisiana Workforce Commission, and shall ~~with the Department of Social Services jointly work~~ work jointly with the Louisiana Workforce Commission to ensure proper operation of vending stands, vending machines, and other small business concessions which are currently in operation on the premises and shall give priority to similar concessions in the future in accordance with R.S. ~~46:333~~ 23:3023. No other vending stands, vending machines, or small business concessions shall be operated on the same premises with vending stands, vending machines, or other small business concessions operated under the provisions of this Subsection. No ~~blind person~~ individual who is blind shall be required to pay any fee, service charge, or equivalent thereof in the operation of a vending stand, vending machines, or other small business concessions in hospitals or the premises transferred pursuant to this Section, nor shall a ~~blind person~~ an individual who is blind be disturbed in the security of the operation of the vending stand, vending machine, or small business concession in any way, without reasonable or just cause. The provisions of this Subsection shall not prevent the health sciences center from permitting the operation of gift shops or similar concessions by voluntary organizations which contribute the proceeds to the hospital or which spend the proceeds on behalf of the hospital.

* * *

§1519.5. Powers of board

* * *

C. The board shall be subject to the laws relating to state procurement systems for supplies, equipment, and services and for professional, personal, consulting, or social services as stated in R.S. 39:1551 et seq. Furthermore, in accordance with R.S. ~~46:333~~ 23:3023(A), the division shall in all cases give preference to ~~blind persons~~ individuals who are blind, under the administration of the ~~Department of Social Services~~ Louisiana Workforce Commission, in the operation of vending stands, vending machines, and small concessions. No other vending stands, vending machines, or small concessions shall be operated on the same premises, nor shall any blind vendor be required to pay any fee, service charge, or equivalent thereof for the operation of a vending stand, vending machine, or other small concession.

* * *

Section 2. R.S. 23:1(A) and 17(A) are hereby amended and reenacted and R.S. 23:1(B)(6) and Chapter 15 of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:3001 through 3061, are hereby enacted to read as follows:

§1. Louisiana Workforce Commission established; purpose; definitions

A. The Louisiana Workforce Commission is hereby created and established to operate an integrated workforce development delivery system in this state, in particular through the integration of job training, employment and employment-related ~~educational~~ education and training programs, vocational rehabilitation services, independent living services, and blind services programs, and to administer the state's unemployment and workers' compensation programs. The duties of this commission shall be exercised and discharged under the supervision and direction of the executive director. He shall have charge of the administration and enforcement of all laws, rules, policies, and regulations, which it is the duty of the commission to administer and enforce, and shall direct all inspections and investigations, except as otherwise provided by law.

B. The commission shall meet the needs of all of the following:

* * *

(6) Individuals of this state with disabilities for vocational rehabilitation, independent living services, and blind services under the Rehabilitation Act and the Randolph-Sheppard Act.

* * *

§17. Integration of workforce development programs

A. All job-training, employment, vocational rehabilitation services, independent living and blind services programs, and employment-related educational programs and functions, along with any federal, state, and local revenues that fund them, shall be integrated into the workforce development delivery system to the extent feasible, as determined by the executive director, under the authority of the commission through its office of workforce development, and all departments and agencies in which these programs are funded or operated shall cooperate with the commission to promptly effect this integration.

* * *

CHAPTER 15. LOUISIANA REHABILITATION SERVICES

PART I. VOCATIONAL REHABILITATION PROGRAM

§3001. Acceptance of federal act to promote vocational rehabilitation

The state of Louisiana accepts the provisions and benefits of the act of congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," 29 U.S.C.A. §701 et seq., and will observe and comply with all requirements of such act.

§3002. State treasurer as custodian of federal funds

The state treasurer is designated and appointed custodian of all monies received by the state of Louisiana from appropriations made by the Congress of the United States for the vocational rehabilitation of persons disabled in industry or otherwise, and is authorized to receive and provide for the proper custody of the

1 same and to make disbursement therefrom upon the approval of the legislature and
2 the requisition of the Louisiana Workforce Commission.

3 §3003. Donations; department's authority to receive

4 The Louisiana Workforce Commission may receive any donations, either
5 from public or private sources offered unconditionally, or under such conditions
6 related to the vocational rehabilitation of persons disabled in industry or otherwise
7 determined by the department to be proper and consistent with the provisions of this
8 Part. All the monies received as donations shall be deposited in the state treasury
9 and shall constitute a permanent fund to be called the special fund for the vocational
10 rehabilitation of individuals with disabilities. A full report of all donations received
11 and accepted, together with the names of the donor and the respective amounts
12 contributed by each, and all disbursements therefrom shall be submitted annually to
13 the governor by the Louisiana Workforce Commission.

14 §3004. Fees for vocational work evaluation services performed by Louisiana
15 Workforce Commission

16 A.(1) The executive director of the Louisiana Workforce Commission shall
17 promulgate rules and regulations for the assessment of fees for payment of costs of
18 vocational work evaluation services performed by the Louisiana Workforce
19 Commission regarding any handicapped individual who has insurance coverage for
20 this purpose.

21 (2) For purposes of this Section, "vocational work evaluation" means a
22 comprehensive process utilizing medical, psychological, social, vocational,
23 educational, cultural, and economic data to evaluate and assist in the vocational
24 development of the individual.

25 B. Any fee assessed and collected for these services shall be paid directly to
26 the Louisiana Workforce Commission by the individual or by the insurance company
27 or public or private organization or agency that requests the services, for disposition
28 and use as provided by law.

1 PART II. BLIND PERSONS

2 SUBPART A. PREVENTION OF BLINDNESS AND VOCATIONAL TRAINING

3 §3021. Prevention of blindness, vocational training, and rehabilitation

4 The Louisiana Workforce Commission may establish and administer an
5 adequate system of conservation of sight and prevention of blindness, vocational
6 training, and rehabilitation for the blind and may make the rules and regulations
7 necessary for the efficient administration thereof.

8 §3022. Powers of the Louisiana Workforce Commission

9 The Louisiana Workforce Commission may:

10 (1) Make and promulgate such rules and regulations as are necessary or
11 desirable for carrying out the provisions of this Subpart and such rules and
12 regulations shall be binding upon parishes or other local units and their agents and
13 upon those private agencies and individuals who participate in the benefits of this
14 Subpart.

15 (2) Administer and supervise a statewide program for the conservation of
16 sight and the prevention of blindness through lectures, posters, exhibits, and such
17 other methods as is deemed necessary; act in close cooperation with other state
18 departments and private agencies; encourage vision testing in schools and the early
19 correction of eye defects where found; and establish sight-saving classes where
20 needed.

21 (3) Promote a system of economic security for the blind by administering
22 and supervising a statewide program of vocational training and rehabilitation for the
23 blind by providing the necessary facilities in private and public agencies.

24 (4) Provide the necessary facilities, equipment, and initial stock, for the
25 operation of vending stands and such other small business enterprises as may be
26 found feasible for operation by individuals who are blind.

27 (5) Assist other departments, agencies, and institutions of the state and
28 federal government, when so requested, by performing services in conformity with
29 the purposes of this Subpart.

1 (6) Administer such federal, state, parish, municipal, or private funds as may
2 be available for the prevention of blindness, vocational training, and rehabilitation
3 for individuals who are blind.

4 (7) Act as agent of the state to cooperate with the federal government in any
5 matter relating to sight conservation and the welfare of individuals who are blind.

6 §3023. Preference to individuals who are blind in operation of concessions in public
7 buildings

8 A. State agencies, boards, commissions, and institutions owning,
9 maintaining, or controlling state property shall in all cases give preference to
10 individuals who are blind, under the administration of the Louisiana Workforce
11 Commission, in the operation of vending stands, vending machines, and other small
12 business concessions to be operated on the premises. No other vending stands,
13 vending machines, or small business concessions shall be operated on the same
14 premises with vending stands, vending machines, or other small business
15 concessions operated, or contemplated, under the provisions of this Section. No
16 individual who is blind, under this Subpart, shall be required to pay any fee, service
17 charge, or equivalent thereof upon the operation of a vending stand, vending
18 machines, and other small business concessions in public buildings or premises, nor
19 shall an individual who is blind be disturbed in the security of the operation of the
20 vending stand, vending machine, and other small business concession in any way,
21 without reasonable or just cause.

22 B. The provisions of this Section shall not apply to state colleges and
23 universities contracting for food services, vending operations, or other such services.

24 C. The provisions of this Section shall not apply to state developmental
25 centers within the Department of Health and Hospitals as provided by R.S.
26 36:259(C)(13) through (22) which operate canteens, vending stands, vending
27 machines, or other such vending services on the premises for clients and employees
28 when such operations are provided directly by the institution.

29 D. The provisions of this Section shall not apply to the New Orleans Home
30 and Rehabilitation Center or the Villa Feliciana Medical Complex within the

1 Department of Health and Hospitals, when operating canteens, vending stands,
2 vending machines, or other such vending services on the premises for clients and
3 employees when such operations are provided directly by the institution.

4 E. The Louisiana Workforce Commission is hereby authorized to enter into
5 contingency fee contracts for the identification, development, and generation of
6 unassigned income from vending machines located on state, federal, and other
7 property pursuant to the provisions of the Randolph-Sheppard Act. Any such
8 contract shall be awarded pursuant to a request for proposals in accordance with
9 Chapter 16 of Title 39 of the Louisiana Revised Statutes of 1950.

10 §3024. Sheltered industries program for individuals who are blind

11 The Louisiana Workforce Commission may administer an adequate sheltered
12 industries program by supplying materials to individual workers and workshops and,
13 when the individuals, workshops, and products meet the standards established by the
14 department, assist in the sales of the finished products as follows:

15 (1) Designate central gathering points where the products can be
16 concentrated, and the Louisiana Workforce Commission shall keep itself informed
17 of the number of manufactured products available at the gathering points with which
18 any order by the state and its subdivisions may be filled in accordance with the
19 provisions of this Subpart.

20 (2) After consultation with the various departments of the state, fix standards
21 of manufacture of and prices for the products and inform interested parties by
22 circular letter to the end of encouraging individuals who are blind affected by this
23 Subpart.

24 §3025. Sale of products manufactured in sheltered industries program

25 Whenever the state or a political subdivision of the state has occasion to
26 purchase any product manufactured by individuals who are blind or utilize any
27 service rendered by individuals who are blind, it shall communicate with the blind
28 services program of the Louisiana Workforce Commission to ascertain whether such
29 products or services are available. Such services may include but are not limited to
30 piano tuning and repairing, cabinetmaking, or the acquiring for sale, distribution, and

1 delivery of specialized items of equipment used by and provided to the blind. To the
2 extent that these products or services are available, the state and its subdivisions may
3 purchase them in the manner provided and at the prices fixed by the Louisiana
4 Workforce Commission after consultation with the various departments of the state.

5 SUBPART B. EXEMPTION FROM CERTAIN TAXES

6 §3031. Definitions

7 The term "any person who is blind" used in this Subpart, shall extend to any
8 person, who is totally blind in both eyes, or to any person whose sight with the use
9 of both eyes is so impaired as to make the sense of sight of no practical benefit or
10 help in the pursuit of business, or in the course of earning a living.

11 §3032. Exemption of persons who are blind from license, privilege, or vocational
12 tax; limitation

13 A. Any person who is blind as defined in this Subpart may exercise the
14 privileges of peddler, news dealer, or lunch counter operator, or may exercise the
15 right to trade, traffic, or sell any merchandise, whether on foot, by vehicle, or in
16 stores, when the stock of goods on hand, or the equipment or capital stock of the
17 enterprises, never exceeds the sum of two thousand dollars. These privileges may
18 be exercised in any of the parishes of the state, including incorporated towns and
19 cities, without the payment of any license, privilege, or vocational tax, which is
20 presently or may be hereafter imposed by law, by the state, or any parish or
21 municipality.

22 B. The privileges granted by this Section shall not extend to dealing in the
23 sale, trade, or traffic of deadly weapons, to the operation of Jenny Linds, pool tables,
24 or other like contrivances for amusement; or to the operation of any business, or the
25 sale, trade, or traffic of any article presently prohibited, or which may be hereafter
26 prohibited by law.

27 §3033. Exemptions; when applicable

28 The exemption provided by this Subpart shall apply only where the business
29 is conducted by any person who is blind exclusively for his own support or for the
30 support of his family.

1 PART III. LOUISIANA BLIND VENDORS TRUST FUND

2 §3041. Purpose

3 The purpose of this Part is to provide for the enhancement of programs for
4 persons disabled through blindness by the establishment of a trust fund in the state
5 treasury to be funded by monies received by the Louisiana Workforce Commission
6 through contractual arrangements with providers who place vending machines on
7 state, federal, and other property. The purpose of the Blind Vendors Trust Fund is
8 to provide assistance to Louisiana citizens who are legally blind and who participate
9 in the Blind Enterprise Program established through the federal Randolph-Sheppard
10 Act.

11 §3042. Definitions

12 As used in this Chapter, the following terms shall have the following
13 meanings:

14 (1) "Agency" means the Louisiana Rehabilitation Services program of the
15 office of workforce development within the Louisiana Workforce Commission,
16 which licenses blind vendors.

17 (2) "Blind Enterprise Program" means the services available to establish
18 business enterprises and other similar programs for persons who are blind as
19 provided in the Randolph-Sheppard Act.

20 (3) "Blind vendors" means those individuals who are classified under state
21 and federal regulations as legally blind and who are licensed to and have a permit to
22 operate vending facilities on state, federal, or other property.

23 (4) "Board" means the Blind Vendors Trust Fund Advisory Board.

24 (5) "Department" means the Louisiana Workforce Commission.

25 (6) "Fund" means the Blind Vendors Trust Fund.

26 (7) "Randolph-Sheppard Act" means the federal law which enables the Blind
27 Enterprise Program under the authority of 20 U.S.C. 107 et seq.

28 §3043. Blind Vendors Trust Fund

29 A. There is hereby established a special fund in the state treasury to be
30 known as the Blind Vendors Trust Fund which shall consist of monies collected from

1 certain vending machines located on state, federal, and other property pursuant to the
2 Randolph-Sheppard Act. The fund may receive monies from any source. In
3 addition, the legislature may make annual appropriations to the trust fund for the
4 purposes set forth in this Part.

5 B. All monies collected under this Part shall be forwarded by the department
6 to the state treasurer upon receipt. After deposit in the Bond Security and
7 Redemption Fund as required by Article VII, Section 9(B) of the Constitution of
8 Louisiana, an amount equal to all amounts so received shall be credited to the Blind
9 Vendors Trust Fund account under the Louisiana Workforce Commission.

10 C. The monies in the fund shall be used solely for programs described herein
11 to provide services for the Blind Enterprise Program established in Louisiana
12 pursuant to the Randolph-Sheppard Act. Funds appropriated to the department each
13 year shall be distributed in accordance with R.S. 23:3045. All unexpended and
14 unencumbered monies remaining in the fund at the close of each fiscal year shall
15 remain in the fund. Monies in the fund shall be invested by the state treasurer in the
16 same manner as monies in the state general fund. All interest earned from the
17 investment of monies in the fund shall be deposited in and remain to the credit of the
18 fund.

19 D. The administration of the fund shall be exercised by the department in
20 accordance with this Part.

21 §3044. Blind Vendors Trust Fund Advisory Board; creation; membership

22 A. There is hereby created the Blind Vendors Trust Fund Advisory Board
23 within the agency.

24 B. The Blind Vendors Trust Fund Advisory Board shall be composed of nine
25 members as follows:

26 (1) The director of the agency or his designee.

27 (2) Eight members of the Louisiana Blind Vendors Elected Committee.

28 C.(1) The board shall meet and organize immediately after election of its
29 members and shall elect a chairman from its membership and other officers it might
30 deem appropriate. The board shall adopt rules for the orderly transaction of business

1 and shall keep a record of its resolutions, transactions, findings, and determinations.

2 A majority of the individuals appointed to the board shall constitute a quorum.

3 Members shall serve without compensation.

4 (2) The director of the agency or his designee shall arrange for full and
5 accurate financial records to be maintained in compliance with law and shall make
6 a full and complete report to the board annually. The board is specifically prohibited
7 from publishing newsletters or other publications typically used in mass mailings.

8 D. The board shall meet at least once in each quarter of the fiscal year and
9 as often as necessary thereafter as deemed by the chairman.

10 E. The board shall be domiciled in East Baton Rouge Parish.

11 F. The board shall:

12 (1) Advise and make recommendations to the agency for the promulgation
13 of rules and regulations necessary to implement the provisions of this Part.

14 (2) Monitor, evaluate, and review the development and quality of services
15 and programs funded through the fund.

16 §3045. Expenditures

17 A. Money in the trust fund from vending machines located on federal
18 property shall be distributed for the primary purpose of the establishment and
19 maintenance of retirement or pension plans, for health insurance, and contributions
20 for the provisions of paid sick leave and vacation time for blind vendors, if approved
21 by majority vote of blind vendors licensed by the department after the department
22 has provided to each vendor information on all matters relevant to such purposes.
23 Income not expended for the primary purpose as set out in this Subsection shall be
24 used for the maintenance and replacement of equipment, the purchase of new
25 equipment, management services, and securing a fair return to vendors, or as
26 provided by state or federal guidelines.

27 B. Money in the trust fund from vending machines located on state-owned
28 property or on property leased by the state or any state agency, or on other property
29 shall be distributed for any purpose associated with the provisions of the Randolph-
30 Sheppard Act as may be determined by the department.

PART IV. INDEPENDENT LIVING

§3061. Louisiana Workforce Commission of Federal Independent Living Program

The Louisiana Workforce Commission shall administer Rehabilitation Act independent living programs, including independent living, Part B, and independent living for older individuals who are blind.

Section 3. R.S. 28:821(C), 824(I), (J)(1)(b), (K), and (L) are hereby amended and reenacted to read as follows:

§821. Findings and purpose

* * *

C. It is the intention of the legislature that the state of Louisiana adhere to the principles contained in this Chapter in program planning, development, funding, and implementation for persons with developmental disabilities and their families. It is the further intention of the legislature that the Department of Health and Hospitals ~~and the Department of Social Services~~ work cooperatively to implement the Community and Family Support System plan developed by the Louisiana State Planning Council on Developmental Disabilities pursuant to this Chapter.

* * *

§824. Community and Family Support System plan

* * *

I. The Department of Health and Hospitals ~~and the Department of Social Services~~ may provide a system of community and family supports.

* * *

J. Methods to assure the quality of community and family support services include:

(1) Regional and state advisory councils.

* * *

(b) Council members shall be appointed by the developmental disabilities council chairperson in consultation with the ~~secretaries~~ secretary of the Department of Health and Hospitals ~~and the Department of Social Services~~.

* * *

1 K. Purchases of equipment for clients of the Department of Health and
2 Hospitals ~~and the Department of Social Services~~ who are eligible for services under
3 the system of community and family supports shall be exempt from state purchasing
4 requirements and state property control regulations.

5 L. The Department of Health and Hospitals ~~and the Department of Social~~
6 ~~Services~~ shall promulgate rules and regulations for the community and family
7 support system ~~within one year. However, the implementation of the system shall~~
8 ~~not be delayed if the rules and regulations are not completed in a timely manner.~~

9 * * *

10 Section 4. R.S. 36:258(F), 301(B), 308(B), and 471(B) are hereby amended and
11 reenacted and R.S. 36:259(K) and (N), and 309(E) are hereby enacted to read as follows:

12 §258. Offices; purposes and functions

13 * * *

14 F. The office of aging and adult services shall be responsible for the
15 programs and functions of the Department of Health and Hospitals related to the
16 long-term care of the elderly and the protection and long-term care of persons with
17 adult onset disabilities. It shall administer the residential state-operated nursing
18 homes, the Villa Feliciana Medical Complex, the protection services program of
19 adults from ages eighteen to fifty-nine, the department's long-term support and
20 services programs, the State Personal Assistance Services program, the Community
21 and Family Support Program, the Traumatic Head and Spinal Cord Injury Trust
22 Fund, as well as other related programs within the department.

23 * * *

24 §259. Transfer of agencies and functions to Department of Health and Hospitals

25 * * *

26 K. The Louisiana Commission for the Deaf (R.S. 46:2351 et seq.) is hereby
27 placed within the Department of Health and Hospitals and shall perform and exercise
28 its powers, duties, functions, and responsibilities as provided for agencies transferred
29 as provided in R.S. 36:802.

30 * * *

1 N. The Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board
2 (R.S. 46:2631 through 2635) is hereby placed within the Department of Health and
3 Hospitals and shall exercise and perform its powers, duties, functions, and
4 responsibilities in the manner provided for agencies transferred in accordance with
5 the provisions of R.S. 36:802.

6 * * *

7 §301. Louisiana Workforce Commission; creation; domicile; composition; purposes
8 and functions

9 * * *

10 B. The Louisiana Workforce Commission through its offices and officers,
11 shall administer and enforce laws and programs designed to protect the economic
12 and physical well-being of Louisiana's ~~work force~~ workforce. The commission shall
13 coordinate and administer programs conducted by the state, or jointly with federal
14 agencies, in the area of labor-management relations, manpower evaluation and
15 training, vocational rehabilitation, independent living, blind services, employment,
16 unemployment and workers' compensation, job safety, and the licensing and
17 regulation of certain types of work. The commission shall perform functions related
18 to administration of the community services block grant for which provision is
19 initially made in the Omnibus Budget Reconciliation Act of 1981.

20 * * *

21 §308. Offices; purposes and functions

22 * * *

23 B. The office of workforce development shall perform the functions of the
24 state relating to the administration, enforcement, supervision, and direction of
25 programs related to the formulation of standards and policies promoting the welfare
26 of wage-earning women; the ~~encouragement of employment~~ of individuals with
27 disabilities; of the physically handicapped; vocational rehabilitation; independent
28 living; blind services; customer service delivery; employment; training; minimum
29 wage standards; welfare of workers and labor disputes, including the promotion of
30 voluntary conciliation of disputes; regulation and certification of private employment

agencies; minor labor laws; the formulation of policy relative to labor apprenticeship; worker protection programs, including medical payment; and employment security and employment service field services, all in accordance with applicable laws.

* * *

§309. Transfer of agencies to Louisiana Workforce Commission

* * *

E. The powers, duties, functions, and responsibilities relating to Louisiana Rehabilitation Services (R.S. 23:3001 et seq.) are hereby transferred to the Louisiana Workforce Commission to be exercised and performed by the executive director, in accordance with provisions of Part IV of Chapter 22 of this Title.

* * *

§471. Department of Social Services; creation; domicile; composition; purpose and functions

* * *

B. The Department of Social Services, through its office and officers, shall be responsible for the development and providing of social services and the improvement of social conditions for the citizens of Louisiana, ~~and for the rehabilitation of handicapped persons for employment.~~

* * *

Section 5. R.S. 38:2261(C) and (D) are hereby amended and reenacted to read as follows:

§2261. Preference for goods manufactured, or services performed, by sheltered workshops; non-applicability of competitive bidding requirements; coordinating council

* * *

C. The provisions of this Section shall not be construed to limit or otherwise affect the provisions of R.S. ~~46:334~~ 23:3024 and ~~46:335~~ 23:3025 regarding the sheltered industries program for ~~the~~ individuals who are blind.

D. There is created within the ~~Department of Social Services~~ Department of Health and Hospitals a council whose function shall be to coordinate and facilitate the carrying out of the provisions of this Section. The membership of this council shall be determined by the secretary of the ~~Department of Social Services~~ Department of Health and Hospitals.

* * *

Section 6. R.S. 39:1554(D)(1)(d) and 1595.4(B), (C), and (D) are hereby amended and reenacted to read as follows:

§1554. Application of this Chapter

* * *

D. Exclusions. (1) This Chapter shall not be construed to change, affect, increase, or relieve the requirements of:

* * *

(d) R.S. ~~46:335~~ 23:3025, as regarding the purchase of products or services from the individuals who are blind.

* * *

§1595.4. Preference for goods manufactured, or services performed, by sheltered workshops; definitions; coordinating council

* * *

B. The provisions of this Section shall not be construed to limit or otherwise affect the provisions of R.S. ~~46:334 and 335~~ 23:3024 and 3025 regarding the sheltered industries program for the individuals who are blind.

C. There is hereby created within the ~~Department of Social Services~~ Department of Health and Hospitals a council whose function shall be to coordinate and facilitate the carrying out of provisions of this Section. The membership of this council shall be determined by the secretary of the ~~Department of Social Services~~ Department of Health and Hospitals. It shall have authority to designate and contract with a central nonprofit agency to assist sheltered workshops in submitting applications for the selection of suitable goods and services, to facilitate the

1 allocation of orders among qualified sheltered workshops, and otherwise to assist the
2 council in performing its functions.

3 D. The ~~Department of Social Services~~ Department of Health and Hospitals
4 may adopt, promulgate, and enforce such rules and regulations as are necessary and
5 appropriate to implement the provisions of this Section. The regulations shall be
6 promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et
7 seq.

8 * * *

9 Section 7. R.S. 40:1300.14(B)(introductory paragraph) and (13) are hereby amended
10 and reenacted to read as follows:

11 §1300.14. Confidentiality of HIV test result; disclosure

12 * * *

13 B. Notwithstanding the provisions of Subsection A of this Section, HIV test
14 results may be released to the following:

15 * * *

16 (13) An employee or agent who is authorized by the ~~Department of Social~~
17 ~~Services, office of rehabilitative services~~ Louisiana Workforce Commission to
18 access records containing HIV test results in order to carry out the ~~Department of~~
19 ~~Social Services, office of~~ Louisiana Workforce Commission's vocational
20 rehabilitative services functions, powers, and duties with respect to the protected
21 patient.

22 * * *

23 Section 8. R.S. 46:51(2) and (10), 2116.1(1), (2), and (4), 2116.2(A),
24 2351(A)(introductory paragraph), 2353, 2632(2), 2633(C) and (E), 2634(A) and (B)(1), and
25 2635(B) are hereby amended and reenacted to read as follows:

26 §51. Duties of the department

27 The Department of Social Services, through its secretary, shall administer the
28 public assistance and welfare laws of the state, as follows:

29 * * *

1 (2) Administer and supervise all forms of public assistance including general
2 home relief, outdoor and indoor care of persons in need, old age assistance, financial
3 assistance to needy individuals, aid to dependent children, ~~aid to the blind, aid to the~~
4 ~~crippled and otherwise handicapped~~, except medical and health services the
5 responsibility for which is or may be vested by state law in other departments of the
6 state government, and such other welfare activities or services as may be vested in
7 it.

8 * * *

9 (10) Administer all public assistance funds; and child welfare funds, ~~and~~
10 ~~funds for assistance to the handicapped~~; and estimate the moneys to be credited to
11 the assistance fund from state and federal sources for the ensuing fiscal year and
12 allocate the total amount estimated to be available.

13 * * *

14 §2116.1. Definitions

15 As used in this Chapter, the following terms shall have the meaning ascribed
16 to them in this Section, unless the context clearly requires otherwise:

17 (1) "Department" means the Department of ~~Social Services~~ Health and
18 Hospitals.

19 (2) "Evaluation team" means the individuals who determine the eligibility
20 of persons with significant disabilities for state personal assistance services pursuant
21 to this Chapter and shall be designated by the ~~director of Louisiana Rehabilitation~~
22 ~~Services~~ assistant secretary of the office of aging and adult services within the
23 department.

24 * * *

25 (4) "Secretary" means the secretary of the Department of ~~Social Services~~
26 Health and Hospitals.

27 * * *

§2116.2. State Personal Assistance Services Program; creation; eligibility requirements; evaluation

A. State Personal Assistance Services Program is created in the Department of ~~Social Services~~ Health and Hospitals and shall be administered by ~~Louisiana Rehabilitation Services~~ office of aging and adult services in the department.

* * *

§2351. Creation; membership; terms; compensation

A. The Louisiana Commission for the Deaf, hereinafter referred to as "the commission", is hereby created and established within the Department of ~~Social Services~~ Health and Hospitals. The commission shall consist of seventeen members as follows:

* * *

§2353. Employees

The secretary of the Department of ~~Social Services~~ Health and Hospitals shall ~~appoint~~ employ a director who shall be the executive officer of the commission. The director shall be a trained professional, having experience as such with the deaf, and skilled in the use of sign language. The director may be either a deaf person or a person with normal hearing, but preference shall be given to a deaf person. The ~~director~~ secretary of the Department of Health and Hospitals ~~may appoint~~ shall employ such other employees as are necessary to carry out the provisions of this Chapter.

* * *

§2632. Definitions

As used in this Chapter, the following terms shall have the following meanings:

* * *

(2) "Department" means the Department of ~~Social Services~~ Health and Hospitals.

* * *

1 §2633. Traumatic Head and Spinal Cord Injury Trust Fund

2 * * *

3 C. All monies collected under this Chapter shall be forwarded by the officer
4 of the court who collects the same to the state treasurer within thirty days after the
5 penalty or forfeiture is collected. After deposit in the Bond Security and Redemption
6 Fund as required by Article VII, Section 9(B) of the Constitution of Louisiana, an
7 amount equal to that deposited as required by Subsection A of this Section shall be
8 credited to the Traumatic Head and Spinal Cord Injury Trust Fund account under the
9 Department of ~~Social Services, office of rehabilitation services~~ Health and Hospitals,
10 office of aging and adult services. All unexpended and unencumbered monies in the
11 fund at the end of the fiscal year shall remain in the fund. The monies in this fund
12 shall be invested by the state treasurer in the same manner as monies in the state
13 general fund, and interest earned on the investment of these monies shall be credited
14 to the fund, following compliance with the requirement of Article VII, Section 9(B)
15 relative to the Bond Security and Redemption Fund.

16 * * *

17 E. The board shall determine the eligibility of programs to receive funding,
18 and the administration of the fund shall be exercised by the Department of ~~Social~~
19 ~~Services~~ Health and Hospitals, office of ~~rehabilitation~~ aging and adult services, in
20 accordance with this Chapter.

21 §2634. Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board;
22 creation; membership

23 A. There is hereby created the Traumatic Head and Spinal Cord Injury Trust
24 Fund Advisory Board within the Department of ~~Social Services~~ Health and
25 Hospitals, office of ~~rehabilitation~~ aging and adult services.

B. The Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board

shall be composed of thirteen members as follows:

(1) The ~~director~~ assistant secretary of the office of ~~rehabilitation~~ aging and adult services of the Department of ~~Social Services~~ Health and Hospitals or his designee.

* * *

§2635. Expenditures

* * *

B. Authorization of expenditures for spinal cord injury care and head injury care shall be made by the office of ~~rehabilitation services~~ aging and adult services, within the Department of Health and Hospitals, according to criteria established by the board.

* * *

Section 9. R.S. 47:305.15(A) and 360(A) are hereby amended and reenacted to read as follows:

§305.15. Exclusions and exemptions; sales or purchases by individuals who are
blind persons

A. The sales and use taxes levied and the collection, reporting, and remittance thereof required by this Chapter shall not apply to sales or purchases made by blind persons in the conduct of a business which is exempt from license taxes by R.S. ~~46:371 through 373~~ 23:3031 through 3033.

* * *

§360. Exemptions

A. ~~Blind persons~~ Individuals who are blind and their widows or orphans.

License taxes levied by this Chapter shall not apply to individuals who are blind persons, who are exempted from licenses taxes by R.S. ~~46:371 through 46:373~~ 23:3031 through 3033. The exemption provided by this Subpart shall apply only

where the business is conducted by any ~~person~~ individual who is blind exclusively for his own support or the support of his family.

* * *

Section 10. R.S. 48:307(B)(2) and (3) are hereby amended and reenacted as follows:

§307. Controlled-access areas; commercial activities

* * *

B.

* * *

(2) The secretary is hereby authorized to either purchase, install, and operate vending machines or to utilize private contractors, subject to the review and consent of the ~~division of rehabilitation services~~ Louisiana Workforce Commission as the Randolph-Sheppard licensing agency. If private contractors are utilized, the contractors shall be selected in accordance with public bid law.

(3) The secretary is further authorized to enter into a cooperative agreement with the ~~Department of Social Services~~ Louisiana Workforce Commission concerning the division of gross sales or net proceeds derived from the operation of these vending machines and concession structures at interstate rest areas. The construction, general maintenance, upkeep, and improvement of the vending machines and concession structures shall be the responsibility of the private contractor or designated operator.

* * *

Section 11. R.S. 36:474(F) and 478(C), (D), (E), (G), (I), and (J), Subparts B and C of Part III of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:331 through 373, Chapter 26 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2101 through 2106, and Chapter 50 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2651 through 2655, are hereby repealed in their entirety.

Section 12. The administrative rules contained in the Louisiana Administrative Code promulgated by the Department of Social Services which govern or are applicable to the programs and operations transferred from the Department of Social Services to the Louisiana

1 Workforce Commission by this Act shall continue to be effective, and the office of state
2 register shall change all applicable references to the Department of Social Services to the
3 Louisiana Workforce Commission and redesignate and renumber, as the need may be, all
4 applicable provisions as are necessary to maintain continuity in the Louisiana Administrative
5 Code.

6 Section 13. The administrative rules contained in the Louisiana Administrative Code
7 promulgated by the Department of Social Services which govern or are applicable to the
8 programs and operations transferred from the Department of Social Services to the
9 Department of Health and Hospitals by this Act shall continue to be effective, and the office
10 of state register shall change all applicable references to the Department of Social Services
11 to the Department of Health and Hospitals and redesignate and renumber, as the need may
12 be, all applicable provisions as are necessary to maintain continuity in the Louisiana
13 Administrative Code.

14 Section 14. All monies held in the state treasury for the Blind Vendors Trust Fund
15 on the effective date of this Act shall, upon that date, be transferred to the Louisiana
16 Workforce Commission.

17 Section 15. All monies held in the state treasury for the Louisiana Traumatic Head
18 and Spinal Cord Injury Trust Fund on the effective date of this Act shall, upon that date, be
19 transferred to the Department of Health and Hospitals.

20 Section 16. All Department of Social Service contracts for the programs and
21 activities transferred to the Louisiana Workforce Commission by this Act shall be deemed
22 to have been transferred and assigned to the Louisiana Workforce Commission upon the
23 effective date of this Act without the necessity of contractual amendment, and the Louisiana
24 Workforce Commission shall be solely responsible for all related obligations and liabilities
25 arising on or after that effective date.

26 Section 17. In order to ensure continuity of services during the transition period, all
27 Department of Social Services contracts related to the operation and administration of the
28 programs transferred to the Department of Health and Hospitals shall be deemed to have
29 been transferred and assigned to the Department of Health and Hospitals upon the effective
30 date of this Act without the necessity of contractual amendment, and the Department of

1 Health and Hospitals shall be solely responsible for all related obligations and liabilities
2 arising on or after that effective date.

3 Section 18.(A) The provisions of R.S. 38:2261(D) of Section 5 of this Act shall
4 become effective on January 1, 2011.

5 (B) The provisions of R.S. 39:1595.4(C) and (D) of Section 6 of this Act shall
6 become effective on January 1, 2011.

7 Section 19. On or before July 1, 2011, and on or before July 1, 2012, the Department
8 of Health and Hospitals and Louisiana Workforce Commission jointly shall submit a report
9 to the House Committee on Health and Welfare and the Senate Committee on Health and
10 Welfare indicating the actual cost of implementing the provisions of this Act.

11 Section 20. Except as provided in Section 18, this Act shall become effective on July
12 1, 2010; if vetoed by the governor and subsequently approved by the legislature, except as
13 provided in Section 18, this Act shall become effective on July 1, 2010, or on the day
14 following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____